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EXAMINER	
JEAN GILLES, JUDE	
ART UNIT	**PAPER NUMBER**
2143	

NOTIFICATION DATE	DELIVERY MODE
07/14/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/617,002	SOUTHAM, BLAINE R.	
	Examiner	Art Unit	
	JUDE J. JEAN GILLES	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-8,10-12,14 and 24-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-8,10-12,14 and 24-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This Action is in regards to the Reply received on 03/21/2008.

Response to Amendment/Arguments

1. Applicant's arguments filed 03/21/2008 have been fully considered but they are not persuasive. No Claim has been amended and there no new claim in this application. The claims have been submitted as presented examined in the previous replied dated 12/21/2007. Because it is likely that the arguments presented on 03/21/2008 will reappear in future correspondence, the Examiner, in the spirit of advancing prosecution of the application thinks it is prudent to address Applicants' main points of contention:

Point A) In the Office Action, it is alleged that Yairi teaches the invention substantially as claimed in claim 1. Therefore, it is alleged that Yairi teaches a client "sending a message using a web protocol to a web service on the Internet". To support that allegation, it is noted in the Office Action that Yairi describes an "IM client 113 sending a message to a web server 125 via a proxy 103". Although Yairi does disclose an IM client 113 sending a text message over a *voice* network 131, it is clear that the IM client does not send a message "using a web protocol" as is explicitly required in Applicant's claim 1. In addition to the fact that the message is sent over a voice network, that the message is not sent using a web protocol is clear from the fact that the message is received by the web service proxy 103 which translates the message into a web format. *See Yairi,* paragraph 0026. Indeed, that is the purpose of Yairi's web service proxy 103:

translating non-web protocol messages into web protocol messages.

As to point A, the Examiner disagrees with applicants' assertion pertaining to Yairi's teaching. For an average skill in the art, a web protocol such as the Internet Protocol (IP) is a protocol used for communicating data across a packet-switched internetwork.

IP is a network layer protocol in the Internet protocol suite and is encapsulated in a data link layer protocol (e.g., Ethernet). As a lower layer protocol, IP provides the service of *communicable* unique global addressing amongst computers. Yairi is clear regarding IM client sending messages over a network using web protocols. In par. 0004 and 0033 and 0040, Yairi discloses that the IM client is capable of creating SOAP and WSFL messages and send them to the web service proxy.

Point B) The Office Action admits that Yairi does not disclose or suggest a network proxy storing profiling information "including the time the message was received by the network proxy". The Office Action attempts to account for that limitation with the Boucher reference, which is alleged to disclose storing profiling information including the time a message was received by a proxy. In response, Applicant respectfully submits that the Boucher reference discloses nothing of the sort. Although Boucher identifies a Store and Forward Proxy 12, nowhere does Boucher indicate that proxy stores "profiling information" about a received message or that the stored profiling information includes "the time the message was received". Instead, Boucher only indicates that the proxy writes a request to a database "if the request cannot be completed immediately." *See Boucher,* paragraphs 0144, 0147, 0151, 0154, and 0157.

As to point B, Boucher teaches this well-known modification of storing messages' details in a database (see par. 0155, *0157; see also the disclosure of claim 14).*

In response to Applicant's arguments, 37 CFR § 1.11(c) requires applicant to "clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must show the amendments avoid such references or objections."

Examiner notes that, applicant has failed in presenting claims and drawings that delineate the contours of this invention as compared to the cited prior art. Applicant has failed to clearly point out patentable novelty in view of the state of the art disclosed by the references cited that would overcome the 103(a) rejections applied against the claims, the rejection is therefore sustained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. **Claims 1- 3, 5-6, 8, 10-12, 14, 24-25, and 27-31** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yairi et al (Yairi) Pub. No. 2004/0078424 A1 in view of Boucher et al (Boucher), U.S. Pat. No. 2003/0212739 A1.

Regarding **claim 1**, Yairi teaches the invention substantially as claimed. Yairi discloses a method for collecting data regarding network service operation [*fig. 3*], the method comprising:

a client sending a message using a web protocol to a web service on the Internet [*fig. 1, items 13-117; 121-125; see abstract, par. 0033; 0040; note that IM client 113 sends a message to web service 125 via proxy 103*];

a network proxy intercepting a message, before it reaches the web service [*par. 0010, 0033, and 0040*];

a network proxy storing profiling information about the message in a database that is separate from the web service [*fig. 1, web service proxy 103, database 133, and web service 121-123; par. 0040, and 0045; note that database 133 is separated from the web service and that retrieving information from the database corresponding to the message entails that the message's metadata or profiling information has already been stored in the database*],

the network proxy transmitting the message to a destination web service [*par. 0010, 0033, and 0040*]. However, Yairi does not specifically disclose " the profiling information including the time the message was received by the network proxy". Nonetheless this feature is well known and would have been obvious modifications to the system shown by Yairi as evidenced by Boucher.

In an analogous art, Boucher teaches a plurality proxy server that that intercepts a message from a client, store the message information in a database prior to sending the message to its web application server. Boucher teaches a client request message

intercepted by a proxy, the message request is then written to a database and the proxy does not purge this message result until the request expiry time elapses" [*see Boucher, par. 0155, 0157].* In order to calculate the message expiry time, the time the message was received is calculated and is part of this message's profiling or metadata stored.

Given this feature, a person of ordinary skill in the art would have been recognized the desirability and advantages of modifying the system of Yairi to employ the features of Boucher in order to facilitate the use of a proxy interceptor to receive messages directed to a web provider, using the time the message arrives at the proxy as part of the profiling information, thereby ensuring successful delivery of client messages [*see Boucher; par. 0236, 0140, 161, and 0168*]. By this rationale, claim 1 is rejected.

Regarding claims 2- 3, 5-6, 8, 10-12, 14, 24-25, and 27-31 the combination Yairi-Boucher teaches:

2. (Currently amended) The method of claim 1, wherein intercepting the message comprises intercepting the message sent by a developed web service that executes on the client computer [*see Yairi; par. 0010, 0033, and 0040*].

3. (Currently amended) The method of claim 1, wherein intercepting the message comprises intercepting the message using a network proxy that executes on a

computer that is intermediate the client computer on which the client executes and a computer on which the web service executes [*see Yairi; par. 0010, 0033, and 0040*].

5. (Currently amended) The method of claim 1, wherein storing information about the message comprises storing information about at least one of an identity of the client computer that sent the message, an identity of the web service, a time at which the message was transmitted to the destination network service, and information about the substance of the message [*see Yairi; par. 0040, and 0045; also see Boucher, par. 0155, 0157 with respect to the type of information store].* The same motivation and reason to combine provided for the rejection of claim 1 are also valid for this claim. By this rationale, claim 5 is rejected.

6. (Currently amended) The method of claim 1, wherein transmitting the message to a destination web service comprises transmitting the message to an external web service on the Internet [*see Yairi; par. 0010, 0033, and 0040; see that web services 121-123 are external web service on the Internet*].

8. (Currently amended) The method of claim 1, further comprising the network proxy interjecting instrumentation information into the message prior to transmitting the message to the destination web service, the instrumentation information being useful in profiling system operation [see Yairi; par. 0033, and 0040].

10. (Original) The method of claim 8, wherein interjecting instrumentation information comprises adding instrumentation information to a header of the message [*see Boucher; fig. 5, par. 0206, 0232*]. The same motivation and reason to combine provided for the rejection of claim 1 are also valid for this claim. By this rationale, claim 10 is rejected.

11. (Currently amended) The method of claim 8, wherein interjecting instrumentation information comprises interjecting at least one of a time the message was received, an identity of the client computer that sent the message, an identity of the destination network service, a time at which the message was transmitted to the destination network service, and information about the substance of the message [*see Yairi; par. 0040, and 0045; also see Boucher, par. 0155, 0157 with respect to the type of information store].* The same motivation and reason to combine provided for the rejection of claim 1 are also valid for this claim. By this rationale, claim 11 is rejected.

12. (Currently amended) The method of claim 11, further comprising the network proxy receiving a response from the destination network web service and storing profiling data regarding the response in the database [*see Yairi; par. 0010, and 0033*].

14. (Original) The method of claim 13, wherein storing data regarding the response comprises storing at least one of a time the response was received, an identity of the

destination network service, a time that the message transmitted to the destination network service was received, and a time that the response was transmitted by the destination network service [*see Yairi; par. 0040, and 0045; also see Boucher, par. 0155, 0157 with respect to the type of information store].* The same motivation and reason to combine provided for the rejection of claim 1 are also valid for this claim. By this rationale, claim 14 is rejected.

24. (Currently amended) A computer that stores a network proxy [see Yairi; *fig. 3*], the proxy comprising:

logic configured to intercept messages sent by a client using a web protocol and directed to a web service that executes on a separate computer on the Internet before the messages reach the web service [*see Yairi; fig. 1, items 13-117; 121-125; see abstract, par. 0033; 0040; note that IM client 113 sends a message to web service 125 via proxy 103*];

logic configured to store in a database that is separate from the web service profiling information about the message [*see Yairi; fig. 1, web service proxy 103, database 133, and web service 121-123; par. 0040, and 0045]*,

the profiling information including the time the message was received by the network proxy [*see Boucher, par. 0155, 0157*]; and

logic configured to transmit the message to a destination web network service [*see Yairi; par. 0010, 0033, and 0040*]. The same motivation and reason to combine

provided for the rejection of claim 1 are also valid for this claim. By this rationale, claim 24 is rejected.

25. (Currently amended) The computer of claim 24, wherein the logic configured to store information about the message comprises logic configured to store information about at least one of, an identity of the client computer that sent the message, an identity of the web service, a time at which the message was transmitted to the destination network service, and information about the substance of the message [*see Yairi; par. 0040, and 0045; also see Boucher, par. 0155, 0157 with respect to the type of information store].* The same motivation and reason to combine provided for the rejection of claim 1 are also valid for this claim. By this rationale, claim 25 is rejected.

27. (Original) The computer of claim 24, further comprising logic configured to interject instrumentation information into the message [*see Yairi; par. 0033, and 0040*].

28. (Original) The computer of claim 27, wherein the logic configured to interject instrumentation information comprises logic configured to add instrumentation information to a header of the message [*see Boucher; fig. 5, par. 0206, 0232*]. The same motivation and reason to combine provided for the rejection of claim 1 are also valid for this claim. By this rationale, claim 28 is rejected.

29. (Currently amended) The computer of claim 27, wherein the logic configured to

interject instrumentation information comprises logic configured to interject at least one of a time the message was received, an identity of the client computer that sent the message, an identity of the web service, a time at which the message was transmitted to the destination network service, and information about the substance of the message [*see Yairi; par. 0040, and 0045; also see Boucher, par. 0155, 0157 with respect to the type of information store].* The same motivation and reason to combine provided for the rejection of claim 1 are also valid for this claim. By this rationale, claim 29 is rejected.

30. (Currently amended) The computer of claim 24, further comprising logic configured to receive a response from the destination web service and logic configured to store in the database profiling data regarding the response [*see Yairi; par. 0010, and 0033*].

31. (Original) The computer of claim 30, wherein the logic configured to store data regarding the response comprises logic configured to store at least one of a time the response was received, an identity of the destination network service, a time that the message transmitted to the destination network service was received, and a time that the response was transmitted by the destination network service [*see Yairi; par. 0040, and 0045; also see Boucher, par. 0155, 0157 with respect to the type of information store].* The same motivation and reason to combine provided for the rejection of claim 1 are also valid for this claim. By this rationale, claim 14 is rejected.

3. **Claims 7 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yairi and Boucher , further in view of Carson et al (Carson) U.S. Pub. 2004/0093580 A1.

Regarding claim 7: Although Yairi and Boucher teach substantial features of the claimed invention, Yairi and Boucher do not distinctly teach a method wherein transmitting the message to a destination web service comprises transmitting the message to a mock web service that emulates operation of the web service on the Internet. This feature is well known to an average skill in the art, and it would have been an obvious modifications to the system of Yairi and Boucher as shown by Carson.

In the same field of endeavor, Carson teaches a ,mock web service capable of emulating and real-time external web service. Carson teaches "*Testing is typically outlined in formal test cases and defects are usually reported and tracked. MES that may require connection to remote web services to complete a task generally should have this remote interaction tested during the system test phase. This may require connection to an external web service. In certain cases, use of a live web service my incur costs to the project, and connection to a provider's test site may be desirable, if available*" [*see Carson; par. 0063*]. In an attempt to properly test a web services in development, a testing environment with a mock web service is needed.

Accordingly, it would have been obvious for an ordinary skill in the art, at the time the invention was made, to have incorporated the test web services of Carson into the systems of Yairi and Boucher, for the purpose of ensuring proper functionality,

performance and quality as stated by Carson in the first lines of par. 0063. By this rationale, claim 7 is rejected.

Regarding claim 26: Yairi, Boucher, and Carson teach the computer of claim 24, wherein the logic configured to transmit is configured to transmit the message to one of an web service and a mock web service that emulates operation of the web service [*see Carson; par. 0063*]. The same motivation and reason to combine provided for the rejection of claim 7 are also valid for this claim. By this rationale, claim 26 is rejected.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-0800.

/Jude J Jean-Gilles/

Primary Examiner, Art Unit 2143

JJG

June 22, 2008

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2154